



I hereby certify that this correspondence is being deposited with the United States Postal Service properly addressed to the United States Patent and Trademark Office  
on September 13, 2010

Daryl C. Josephson, Registered Patent Attorney

By: Daryl C. Josephson  
Daryl C. Josephson

PATENT  
Attorney Docket No. 021735-001500US

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

In re application of:

Daryl C. Josephson

Application No.: 09/905,590

Filed: July 13, 2001

For: Interfacing Apparatus and Methods

Customer No.:

Confirmation No.

Examiner: Wozniak, James S

Technology Center/Art Unit: 2626

APPELLANTS' BRIEF UNDER  
37 CFR §41.37

**Comment [dj1]:** Problem, certificate of mailing appears on every page

Also change to Certificate of MAILING

Mail Stop Appeal Brief  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Appellant hereby submits this Appeal Brief pursuant to 37 CFR §1.192(a). An Acknowledgement Receipt generated upon the filing of appellant's Notice of Appeal indicates that the date of receipt of appellant's notice of appeal is February 12, 2010. Thus, pursuant to 37 CFR §1.192(a), this Appeal Brief was due on April 12, 2010, extensions of time being permitted. Accordingly, Appellants request an extension of time to extend the due date to Sunday, September 12, 2010, which is further extended under 37 CFR \_\_\_\_ to Monday, September 13, 2010. Payment of applicable fees is enclosed with the instant Appeal Brief.

**Comment [dj2]:** Please insert the requested information on

. The Cover Page (page 1)

. The Table of Contents (page 2) and

. Status of Amendments Filed (page 6)

. Footnote on Page 7

I hereby certify that this correspondence is being deposited with the  
United States Postal Service properly addressed to the United States Patent  
and Trademark Office  
on September 13, 2010

Daryl C. Josephson, Registered Patent Attorney

By: \_\_\_\_\_  
Daryl C. Josephson

PATENT  
Attorney Docket No. 021735-001500US

## TABLE OF CONTENTS

1. REAL PARTY IN INTEREST.....	3
2. RELATED APPEALS AND INTERFERENCES.....	4
3. STATUS OF CLAIMS.....	5
4. STATUS OF AMENDMENTS FILED SUBSEQUENT TO FINAL REJECTION.....	6
5. SUMMARY OF CLAIMED SUBJECT MATTER.....	7
6. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL.....	18
7. ARGUMENT.....	19
8. CONCLUSION.....	Error! Bookmark not defined.
9. CLAIMS APPENDIX.....	42
10. EVIDENCE APPENDIX.....	43
11. RELATED PROCEEDINGS APPENDIX.....	44

**Comment [dj3]:** Please add a reference as a sub-  
topic to Arguments to the Statement of obligation of  
assignment at the time the invention was made  
The Statement should be on page 105

**Comment [dj4]:** Please insert the requested  
information on

. The Cover Page (page 1)

. The Table of Contents (page 2) –see above

. Status of Amendments Filed (page 6)

. Footnote on Page 7

I hereby certify that this correspondence is being deposited with the  
United States Postal Service properly addressed to the United States Patent  
and Trademark Office  
on September 13, 2010

Daryl C. Josephson, Registered Patent Attorney

By: \_\_\_\_\_  
Daryl C. Josephson

PATENT  
Attorney Docket No. 021735-001500US

**1. REAL PARTY IN INTEREST**

The real party in interest of the subject patent application is Daryl C. Josephson,  
the Inventor of the instant invention.

I hereby certify that this correspondence is being deposited with the  
United States Postal Service properly addressed to the United States Patent  
and Trademark Office  
on September 13, 2010

Daryl C. Josephson, Registered Patent Attorney

PATENT  
Attorney Docket No. 021735-001500US

By: \_\_\_\_\_  
Daryl C. Josephson

## **2. RELATED APPEALS AND INTERFERENCES**

There are no known related appeals, interferences or judicial proceedings which  
may be related to, directly affect or be directly affected by or have bearing on the Board's  
decision in the pending appeal.

I hereby certify that this correspondence is being deposited with the  
United States Postal Service properly addressed to the United States Patent  
and Trademark Office  
on September 13, 2010

Daryl C. Josephson, Registered Patent Attorney

PATENT  
Attorney Docket No. 021735-001500US

By: \_\_\_\_\_  
Daryl C. Josephson

### **3. STATUS OF CLAIMS**

Claims 1-10, 12-36 and 38-44 are pending in the application and stand rejected.

Claims 1-10, 12-36 and 38-44 are Appealed.

Claims 1-3, 5-10, 12-36, and 38-44 are rejected under 35 U.S.C. 101 as being  
directed to non-statutory subject matter.

Claims 2 and 25-26 are rejected under 35 U.S.C. 112, second paragraph, as being  
indefinite for failing to particularly point out and distinctly claim the subject matter which  
applicant regards as the invention.

Claim 28 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply  
with the written description requirement.

Claims 1-3, 5-8, 12, 15-36, 38-39, and 42-44 are rejected under 35 U.S.C. 102(e)  
as being anticipated by Watanabe et al (U.S. Patent: 6,035,267).

Claims 4, 9-10, and 13-14 are rejected under 35 U.S.C. 103(a) as being  
unpatentable over Watanabe et al in view of Coffman et al (U.S. Patent: 6,377,913).

Appellants are appealing herein the rejections of all pending claims: 1-10, 12-36  
and 38-44.

I hereby certify that this correspondence is being deposited with the  
United States Postal Service properly addressed to the United States Patent  
and Trademark Office  
on September 13, 2010

Daryl C. Josephson, Registered Patent Attorney

PATENT  
Attorney Docket No. 021735-001500US

By: \_\_\_\_\_  
Daryl C. Josephson

**4. STATUS OF AMENDMENTS FILED SUBSEQUENT TO FINAL REJECTION**

Applicants received a non-final Office Action mailed 8/04/2009 in response to the  
Amendment And Response filed on 5/05/2009.

I hereby certify that this correspondence is being deposited with the  
United States Postal Service properly addressed to the United States Patent  
and Trademark Office  
on September 13, 2010

Daryl C. Josephson, Registered Patent Attorney

PATENT  
Attorney Docket No. 021735-001500US

By: \_\_\_\_\_  
Daryl C. Josephson

## **5. SUMMARY OF CLAIMED SUBJECT MATTER**

In the following summary, the Appellants have provided exemplary references to sections of the originally filed specification and drawings supporting the subject matter defined in the claims. The specification and drawings may also include additional support for other exemplary embodiments encompassed by the claimed subject matter. Thus, it should be appreciated that the references are intended to be illustrative in nature only.<sup>1</sup>

The present invention generally provides systems and methods for “user-interface construction and implementation” [pg1, lines 11-12]. Embodiments provide for “interfacing one or more users or groups of users with one or more machines or groups of machines” [pg4, lines 19-20], interfacing in which “user objectives... are followed, facilitated and/or guided by the interface” [pg10, lines 4-5], and interfacing that may “augment/replace “one or more host... interface/operability elements” [pg10, lines 7-8]. Embodiments also provide for interfacing that includes “speech and/or non-speech interaction” [pg10, line 5], for example, through the use of “gesturing (e.g. speech, movement, event)” and “participant-user identification” [pg. 13, lines 21-22], among other aspects.

The Examiner, however, prohibited the inventive gesturing *including* speech and/or non-speech aspects, and instead enforced strict adherence to official invention categories, resulting in Applicant re-drafting of the following (unduly) limited set of claims, wherein:

Independent claim 1 recites an interfacing method conducted by one or more machines, the machines including a host computing device and one or more hosted machines [¶]. The interfacing method comprises receiving voice information corresponding to at least one machine user; and processing the voice information [¶]. The processing of the voice information includes determining whether the voice information includes command information [¶]. The

<sup>1</sup> Page and line citations are made using the specification as filed. Paragraph citations are meant to correspond to the page citations, and the paragraph citations are made using the published version of this Application, U.S. Pub. No. [¶]. Paragraph citations throughout this Appeal are made using the published Application.

I hereby certify that this correspondence is being deposited with the United States Postal Service properly addressed to the United States Patent and Trademark Office  
on September 13, 2010

Daryl C. Josephson, Registered Patent Attorney

PATENT  
Attorney Docket No. 021735-001500US

By: \_\_\_\_\_  
Daryl C. Josephson

processing also includes, if the voice information, determining one or more use-based objectives corresponding to the voice information (e.g., [REDACTED]), determining one or more specificities corresponding to the command information (e.g., [REDACTED]) and determining a conversant command execution corresponding to the use-based objectives and the specificities (e.g., [REDACTED]).

Claim 2 recites an interfacing system formed according to the method of claim 1 (e.g., [REDACTED]).

Claim 3 recites an interfacing system comprising one or more machines, the machines including a host computing device and one or more hosted machines (e.g., [REDACTED]). The system comprises means for receiving voice information corresponding to at least one machine user (e.g., [REDACTED]); and means for processing the voice information (e.g., [REDACTED]). The processing includes determining whether the voice information includes command information (e.g., [REDACTED]); and if so, then determining one or more use-based objectives corresponding to the voice information (e.g., [REDACTED]), determining one or more specificities corresponding to the command information (e.g., [REDACTED]) and determining a conversant command execution corresponding to the use-based objectives and the specificities (e.g., [REDACTED]).

Claim 4 recites a computer readable medium having stored thereon computer code for causing a computer to perform steps comprising receiving voice information corresponding to at least one machine user (e.g., [REDACTED]) and processing the voice information (e.g., [REDACTED]). The processing includes determining whether the voice information includes command information (e.g., [REDACTED]); and if so, then: determining one or more use-based objectives corresponding to the voice information (e.g., [REDACTED]), determining one or more specificities corresponding to the command information (e.g., [REDACTED]), and determining a conversant command execution corresponding to the use-based objectives and the specificities (e.g., [REDACTED]).

Claim 5 recites the method of claim 1, wherein the voice information comprises at least one of: a conversant voice command recitation of one or more users, a non-conversant



I hereby certify that this correspondence is being deposited with the  
United States Postal Service properly addressed to the United States Patent  
and Trademark Office  
on September 13, 2010

PATENT  
Attorney Docket No. 021735-001500US

Daryl C. Josephson, Registered Patent Attorney

By: \_\_\_\_\_  
Daryl C. Josephson

voice command recitation of one or more users and monitored speech of one or more users (e.g., [REDACTED]).

Claim 6 recites the of claim 1, wherein the determining one or more use-based objectives comprises determining that at least one voice information portion of the voice information corresponds to at least one of a user task and a user goal (e.g., [REDACTED]).

Claim 7 recites the method of claim 1, wherein the determining one or more use-based objectives comprises determining that at least a voice information portion of the voice information corresponds to at least one of a group task and a group goal (e.g., [REDACTED]).

Claim 8 recites the method of claim 1, wherein the determining one or more specificities includes determining one or more explicit specificities as corresponding to one or more explicitly recited voice information portions of the voice information (e.g., [REDACTED]).

Claim 9 recites the method of claim 1, wherein the determining one or more specificities includes determining one or more implied specificities that the voice information does not explicitly include (e.g., [REDACTED]).

Claim 10 recites the method of claim 1, wherein at least a portion of the processing is conducted in accordance with one or more of a user identification, a user security, a user status and a user group status, the group status corresponding to at least one of a workgroup, a moderated workgroup, membership, officiator, participant, interruptability and member-grouping (e.g., [REDACTED]).

Claim 11 recites the method of claim 1, wherein the processing further comprises associating one or more of a user location, a user positioning, user movement, user gaze, user non-verbal gesture (e.g., [REDACTED]), and user non-verbal gesture inflexion with the voice information, and at least a portion of the processing is conducted in accordance with the one or more of a user location, movement, non-verbal gestures and non-verbal gesture inflexions (e.g., [REDACTED]).

I hereby certify that this correspondence is being deposited with the  
United States Postal Service properly addressed to the United States Patent  
and Trademark Office  
on September 13, 2010

PATENT  
Attorney Docket No. 021735-001500US

Daryl C. Josephson, Registered Patent Attorney

By: \_\_\_\_\_  
Daryl C. Josephson

Claim 12 recites the method of claim 1, wherein at least a portion of the processing comprises determining one or more machine portions of the one or more hosted machines for effecting the one or more use-based objectives (e.g., [1]).

Claim 13 recites the method of claim 1, wherein at least a portion of the processing is conducted in accordance with one or more of a machine group, security of a machine use, a machine location and a correspondence of a machine with at least one of a user, user group, security and status (e.g., [1]).

Claim 14 recites the method of claim 1, wherein at least a portion of the processing is conducted in accordance with one or more of a machine portion use, a machine portion purpose, an availability of one or more machines and an availability of one or more machine portions of one or more machines (e.g., [1]).

Claim 15 recites the method of claim 1, wherein at least a portion of the processing is conducted in accordance with one or more of a context, a conversant context, an interaction, an approach and a scenario (e.g., [1]).

Claim 16 recites the method of claim 1, wherein the processing further comprises determining at least one likely further use-based objective according to further received voice information (e.g., [1]), and conducting at least a portion of the processing in accordance with the at least one likely further use-based objective (e.g., [1]).

Claim 17 recites the method of claim 1, wherein the processing is conducted in accordance with at least one of a processing history, a user habit and a user tendency of at least one user (e.g., [1]).

Claims 18 recites the method of claim 1, wherein at least a portion of the processing is conducted in accordance with a content characterization (e.g., [1]), and the content characterization includes at least one of an information type, an information use, an information application and an information purpose (e.g., [1]).

I hereby certify that this correspondence is being deposited with the  
United States Postal Service properly addressed to the United States Patent  
and Trademark Office  
on September 13, 2010

Daryl C. Josephson, Registered Patent Attorney

PATENT  
Attorney Docket No. 021735-001500US

By: \_\_\_\_\_  
Daryl C. Josephson

Claim 19 recites the method of claim 18, wherein the information type is selected from a group including commands, data, biometric data, dictation, and specific data type (e.g., ☐).

Claim 20 recites the method of claim 18, wherein the information type is selected from a group including silence, misstatement, mis-recitation, private information and confidential information (e.g., ☐.

Claim 21 recites the method of claim 18, wherein the information use is selected from a group including personal information and business information (e.g., ☐.

Claim 22 recites the method of claim 18, wherein the information application is selected from a group including charting, home control, calendaring, vehicle operation, communication, multimedia production, media presentation and document production (e.g., ☐.

Claim 23 recites the method of claim 18, wherein the information purpose is selected from a group including a particularized objective and a subject matter of a user to which at least one of a command portion, a data portion, a dictation portion is determined to be directed (e.g., ☐.

Claim 24 recites the method of claim 18, wherein the information purpose is selected from a group including entering or reviewing form data, addressing a subject, orchestrating, conducting production console operation, controlling effects, indicating media presentation elements, operating an entertainment system portion, operating entertainment receiver mode, faxing, emailing, calling, conferencing, preparing or reviewing a formal or familiar document, preparing or reviewing annotation, preparing or reviewing a multimedia portion, preparing or reviewing a clause and preparing or reviewing a document type, section or section type (e.g., ☐.

Claim 25 recites the method of claim 1, wherein the processing is conducted in accordance with a usage ("expression characterization") corresponding to at least a portion of the voice information (e.g., ☐.

I hereby certify that this correspondence is being deposited with the  
United States Postal Service properly addressed to the United States Patent  
and Trademark Office  
on September 13, 2010

Daryl C. Josephson, Registered Patent Attorney

PATENT  
Attorney Docket No. 021735-001500US

By: \_\_\_\_\_  
Daryl C. Josephson

Claim 26 recites the method of claim 25, wherein the manner of expression is selected from a group including language, dialect and colloquialism, inflexion, biometrics, physical gesture and non-speech expression (e.g., [REDACTED]).

Claim 27 recites the method of claim 1, wherein the processing further comprises at least one of enabling and disabling processing of at least a portion of the voice information in accordance with at least one of a content characterization and an expression characterization (e.g., [REDACTED]).

Claim 28 recites the method of claim 1, wherein the processing further comprises at least one of trapping, muting, modifying, substituting for and directing transmission, including non-transmission, of a voice information portion in accordance with at least one of a content characterization, an expression characterization, a reciting user, a target user, a machine portion and one or more of the specificities (e.g., [REDACTED]).

Claim 29 recites the method of claim 1, wherein the processing further comprises determining at least one of a local vocabulary portion, a remote vocabulary portion, a non-vocabulary recognition component, an interpretation and an output format alternative in accordance with at least one of a content characterization and an expression characterization (e.g., [REDACTED]).

Claim 30 recites the method of claim 1, wherein the processing further comprises determining at least one of an operational mistake, corrective action and implicit user assisting in accordance with at least one of a content characterization and an expression characterization (e.g., [REDACTED]).

Claim 31 recites the wherein the processing further comprises determining that a portion of the voice information corresponds with an anti-alias, the anti-alias comprising an anti-alias designation indicating at least one specific target of the anti-alias (e.g., [REDACTED]), and resolving the anti-alias (e.g., [REDACTED]).

I hereby certify that this correspondence is being deposited with the  
United States Postal Service properly addressed to the United States Patent  
and Trademark Office  
on September 13, 2010

Daryl C. Josephson, Registered Patent Attorney

PATENT  
Attorney Docket No. 021735-001500US

By: \_\_\_\_\_  
Daryl C. Josephson

Claim 32 recites the method of claim 31, wherein the resolving the anti-alias comprises determining at least one specific target in accordance with at least one of a current class membership, a current title and a currently performed function (e.g., [REDACTED]), the at least one specific target and the at least one of a class, title and function correspond with one or more of explicit and implicit specificities (e.g., [REDACTED]), the one or more specificities further corresponding to at least a portion of the voice information (e.g., [REDACTED]), and the voice information corresponds with one or more recitations (e.g., [REDACTED]).

Claim 33 recites the method of claim 31, wherein the anti-alias designation indicates at least one of a target classification designation and a source of target resolution information in accordance with which the anti-alias may be resolved (e.g., [REDACTED]). Claim 33 also recites such method wherein the anti-alias further comprises one or more of at least one anti-alias indicator indicating at least one of a presence of the target anti-alias designation, an association of the target anti-alias designation with at least one specificity, target resolution information in accordance with which the anti-alias may be resolved and a target source of resolution information in accordance with which the anti-alias may be resolved (e.g., [REDACTED]), and wherein at least one specifying indicator indicating one or more specificities in accordance with which the anti-alias may be resolved (e.g., [REDACTED]).

Claim 34 recites the method of claim 33, wherein at least one of: the anti-alias designation indicates possession (e.g., [REDACTED]), the at least one anti-alias indicator indicates possession (e.g., [REDACTED]), the at least one specifying indicator indicates one or more name portions (e.g., [REDACTED]), and the at least one specifying indicator indicates one or more title portions (e.g., [REDACTED]). Claim 35 recites the method of claim 1, wherein the determining a conversant command execution includes designating at least one machine portion for executing at least a portion of the voice information (e.g., [REDACTED]), and the designating is conducted in accordance with at least one of a not explicitly stated ("implied") specificity and the use-based objective, thereby enabling one or more of feedback corresponding to a transition or non-transition, completion of a designation

I hereby certify that this correspondence is being deposited with the  
United States Postal Service properly addressed to the United States Patent  
and Trademark Office  
on September 13, 2010

PATENT  
Attorney Docket No. 021735-001500US

Daryl C. Josephson, Registered Patent Attorney

By: \_\_\_\_\_  
Daryl C. Josephson

objective and preparation corresponding to a likely successive user recitation (e.g., [001]). Claim 35 also recites such method wherein at least one of: the designating causes the executing to be conducted by invoking operabilities of a currently designated ("current") machine portion and the designation to then transition to a not currently designated ("non-current") machine portion (e.g., [001]), the designating causes a designation of a current machine portion to transition to a non-current machine portion, causing the executing to be conducted by invoking operabilities of the non-current machine portion, and the designation to then remain as the non-current machine portion or further transition to a different non-current machine portion (e.g., [001]), and the designating causes a designation of a current machine portion to intermittently transition to a non-current machine portion, the executing to be conducted by invoking operabilities of the non-current machine portion and the designation of the non-current machine portion to then transition back to the current machine portion (e.g., [001]).

Claim 36 recites the method of claim 35, wherein the designating is further conducted in accordance with at least one of an operational history, a user habit and a user tendency (e.g., [001]).

Claim 37 recites the method of claim 35, wherein the determining a conversant command execution further comprises conducting determining a preparation for a successive recitation (e.g., [001]). The preparation includes determining a not explicitly recited first designated machine portion for providing data and a not explicitly recited further designated machine for receiving the data (e.g., [001]), causing the execution by the first designated machine to provide the data (e.g., [001]), and causing data carrying comprising inputting the data into the further designated machine portion (e.g., [001]).

Claim 38 recites the method of claim 1, wherein at least one of the machines provides for presenting a graphical user interface (GUI) portion and at least one of the hosted machines comprises at least one of an operating system portion, an application program portion,

I hereby certify that this correspondence is being deposited with the  
United States Postal Service properly addressed to the United States Patent  
and Trademark Office  
on September 13, 2010

Daryl C. Josephson, Registered Patent Attorney

PATENT  
Attorney Docket No. 021735-001500US

By: \_\_\_\_\_  
Daryl C. Josephson

a window, a window pane, a data portion, a control interface portion and a data entry field portion (e.g., [11]).

Claim 39 recites the method of claim 1, wherein the voice information includes previously received voice information and currently received voice information (e.g., [11]), at least one of the determining a use-based objective, the determining one or more specificities and the determining a conversant execution includes determining that at least a portion of the currently received voice information corresponds with at least a portion of the previously received voice information ("determining a correspondence") (e.g., [11]), at least one of the determining a use-based objective, the determining one or more specificities and the determining a conversant execution includes processing at least a portion of the previously received voice information and the currently received voice information as a discontinuous recitation of a use-based objective (e.g., [11]).

Claim 40 recites the method of claim 39, wherein at least one of the determining a correspondence determines that the previously received information and the currently received voice information correspond with an interrupted single recitation (e.g., [11]), the determining a correspondence determines that the currently received information at least partially completes the previously received information by including one or more corresponding specificities having a same input type characterization (e.g., [11]), the determining a correspondence determines that the currently received information at least partially completes the previously received information by providing one or more corresponding specificities having a different input type characterization (e.g., [11]), the determining a correspondence determines that at least one of the previously recited information and the currently received information comprises a partial recitation (e.g., [11]); and the determining a correspondence comprises determining that at least one of the previously received voice information and the currently received voice information includes a linking indicator (e.g., [11]).

I hereby certify that this correspondence is being deposited with the  
United States Postal Service properly addressed to the United States Patent  
and Trademark Office  
on September 13, 2010

Daryl C. Josephson, Registered Patent Attorney

PATENT  
Attorney Docket No. 021735-001500US

By: \_\_\_\_\_  
Daryl C. Josephson

Claim 41 recites the method of claim 39 wherein the conversant execution includes conducting independent processing corresponding to at least a portion of the previously received information (e.g., [11]), preserving the independent processing if the currently received voice information includes a linking indicator (e.g., [11]), and modifying at least a portion of a result obtained in accordance with the independent processing if the currently received voice information does not include a linking indicator (e.g., [11]).

Claim 42 recites the method of claim 41, wherein the use-based objective includes at least one of designating an item group of items that may include discontinuous items, the designating enabling the item group be similarly processed in accordance with subsequently received voice information (e.g., [11]), designating a criteria group of criteria, the designating enabling processing to be conducted in accordance with the criteria group (e.g., [11]), inputting a criteria group, the inputting enabling processing to be conducted in accordance with the criteria group (e.g., [11]), and designating at least one criteria and inputting one or more criteria, the designating and inputting enabling processing to be conducted in accordance with the designated and input criteria (e.g., [11]).

Claim 43 recites the method of claim 1, wherein at least one of the determining a use-based objective, the determining one or more specificities and the determining a conversant execution includes at least one of: determining that the voice information includes a cueing indicator indicating that the voice information comprises a cued command and at least a portion of processing of the voice information should be forestalled unless a corresponding cue initiating trigger is subsequently received (e.g., [11]), and determining, if a cue initiating trigger is received, that processing of a corresponding cued command should be initiated (e.g., [11]).

Claim 44 recites the method of claim 43, wherein the cue initiating trigger includes at least one of: voice information including a cue initiating indicator indicating that processing of at least a portion of corresponding previously received voice information should be triggered (e.g., [11]); an event indicator indicating that processing of at least a portion of



I hereby certify that this correspondence is being deposited with the  
United States Postal Service properly addressed to the United States Patent  
and Trademark Office  
on September 13, 2010

PATENT  
Attorney Docket No. 021735-001500US

Daryl C. Josephson, Registered Patent Attorney

By: \_\_\_\_\_  
Daryl C. Josephson

corresponding previously received voice information should be triggered (e.g., ☐), and a  
condition indicator indicating that processing of at least a portion of corresponding previously  
received voice information should be triggered (e.g., ☐).

**6. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL**

The issues on appeal are:

Objection to amendments to the specification as containing new matter.

Objection to the drawings as containing new matter.

## **7. ARGUMENT**

- 1. The Examiner fails to establish that the amendments to the specification include matter or that the amendments are otherwise objectionable, such that the objections should be withdrawn.**

Beginning in item 12, page 7 of the instant Office Action, the Examiner assertedly responds to Applicant's Arguments respecting primarily new matter Objections to the Specification. While the Examiner later provides a Summary of current Objections to the Specification (that are not withdrawn or are new or are asserted in modified form), Applicant will Argue the specific objections here, so that the current Objections and Arguments presented by both the Examiner and Applicant might be better understood.

In summary, the Examiner does NOT, in item 12, respond to any particular objection, the specific objections instead being set forth in item 13. The Examiner DOES, however, set forth a general basis for ALL of the new matter objections to the Specification that Applicant submits is improper. The Examiner asserts that the basis for the new matter objections is that the "additions/ expansions to the originally filed specification" are "significant" (apparently in amount rather than substantiality) and "go beyond a simple clerical/grammatical touchup of the original specification" and "thus includes new matter" (underlining emphasis is added). Applicant respectfully disagrees with the objections and the basis for the objections set forth by the Examiner.

Specifically, Applicant first was unable to find any law or rule that the mere amount of an addition to an originally filed specification might render such addition new matter and submits that it does NOT. Applicant further submits and it is well established that the originally filed specification is NOT the only source of disclosure. Rather, the disclosure ALSO includes the originally filed claims and drawings, the disclosure need not include that which is known in the art, the disclosure includes that which is inherent or otherwise reasonably ascertained from the explicit disclosure by one of ordinary skill in the related art (including that which may be reasonably ascertained from the surrounding text, context, etc.), and so on.

Applicant therefore respectfully submits that the Examiner's basis for the objections to the specification is improper as are the objections themselves.

Applicant therefore respectfully disagrees with ALL of the pending Objections to the Specification and withdrawal of ALL of such Objections to the Specification is respectfully requested. The Objections to the Specification also assert the Applicant has, by way of amendment, added new matter to the Originally Filed Specification either directly or by the addition of new matter into the Originally Filed Drawings. Applicant respectfully disagrees with the Examiner and submits the Applicant has added NO new matter to either the Originally Filed Specification or Drawings. Withdrawal of the Objections to the Specification and Drawings is therefore respectfully requested for at least this reason as well.

In item 13, page 7 of the instant Office Action, the Examiner assertedly responds to Applicant's Arguments respecting various specific primarily new matter objections to the Specification for which withdrawal of the objections is respectfully requested for at least the above and following reasons.

"Entertainment System" and FIGS. 3a and 13b

Beginning on page 7 of the instant Office Action, the Examiner maintains the new matter objection of the specification "directed towards page 58 starting at line 5". Specifically, the Examiner asserts (on page 8) that

"applicant has added a plurality of elements that were not shown in this figure or even contemplated in the originally filed specification (i.e., entertainment systems shown on the right side of the drawing as well devices associated with entertainment systems such as the remote controller shown on the right side of Fig. 3a and 13b)"

The Examiner further asserts that "As further evidence that these entertainment devices are directed towards new matter, the examiner points out that the applicant added new matter in

describing Fig. 3 in the form of a new sentence added to the specification beginning at page 30, line 11:

"Lesser related intermittent tasks may also include, for example, temporarily interrupting using computer 312 of FIG. 3a to control light 313c1, a television, stereo/gaming equipment, and so on". Emphasis is added.

The Examiner also asserts that "Fig. 13b also includes the elements of Fig. 3a, which as described above, are directed to new matter. So when the amendment starting at page 58, line 5 references these figures, they include new matter. Thus, this previous objection is proper and maintained" (emphasis added).

Applicant respectfully disagrees and submits that FIGS. 3a and 13b do clearly NOT add new matter to the *ORIGINALLY* filed drawings, such that the objected to reference to the drawings does NOT add new matter to the originally filed specification. Specifically, Applicant submits and OBJECTS that (1) the Examiner FAILED to consider the *ORIGINALLY-FILED* drawings which clearly show ALL of the elements in the newly submitted replacement drawings, and instead improperly considered some other later-filed drawings, and (2) the Examiner apparently FAILED to consider *ALL OF THE ELEMENTS* that were clearly depicted in the drawings that the Examiner DID consider and that Applicant sought to replace in order to conform to the *ORIGINALLY-FILED* drawings. Applicant further OBJECTS because the Examiner did NOT even provide the drawings that the Examiner actually considered so that Applicant might better respond to the objection, but instead required Applicant to presume.

Applicant presumes that the drawings the Examiner considered, rather than the originally filed drawings, were instead replacement computer-drawn illustrations that were hired to accurately depict the originally-filed drawings. The replacement computer illustration for originally-filed FIG. 3a is reproduced as follows for the convenience of reviewers in this Appeal. The figure is taken from the Public PAIR on the uspto.gov website. It should be noted that the Examiner did NOT object to this illustration, which was entered.

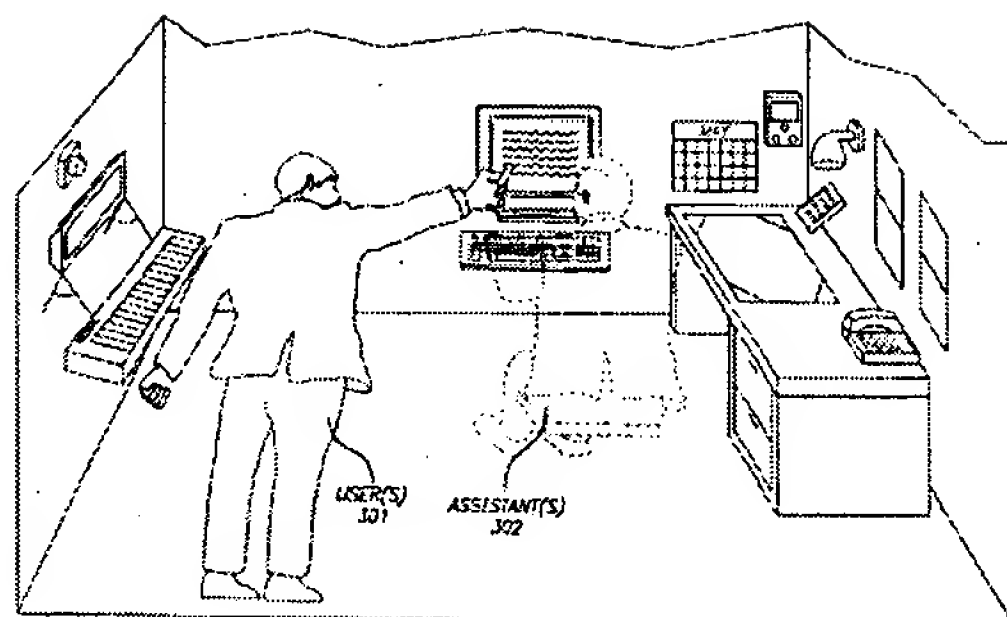


FIG. 3a

First, beginning with Applicant's second objection, even assuming *arguendo* that the computer illustration was in fact the originally-filed drawing, the Examiner nevertheless would have failed to consider that the following elements are in fact clearly included in the illustration and the Examiner improperly objected to these as new matter: (1) the remote control on the far left corner; (2) the light above the remote control. Applicant therefore respectfully objects and requests withdrawal of the objection for at least the foregoing reasons.

Applicant further submits and OBJECTS that even assuming *arguendo* that the above illustration does not include the "television, stereo/gaming equipment" and that the remote control might be less amenable to interpretation as a depiction of "any" remote control, the above illustration that Applicant is forced to presume considered by the Examiner is also NOT the ORIGINALLY-FILED FIG. 3a. Rather, Applicant submits that the ORIGINALLY-FILED FIG. 3a CLEARLY includes ALL of the elements referred to in ALL additions to the specification. The originally-filed FIG. 3a, which is also taken from the public PAIR (file history) and readily available to the Examiner, is as follows.

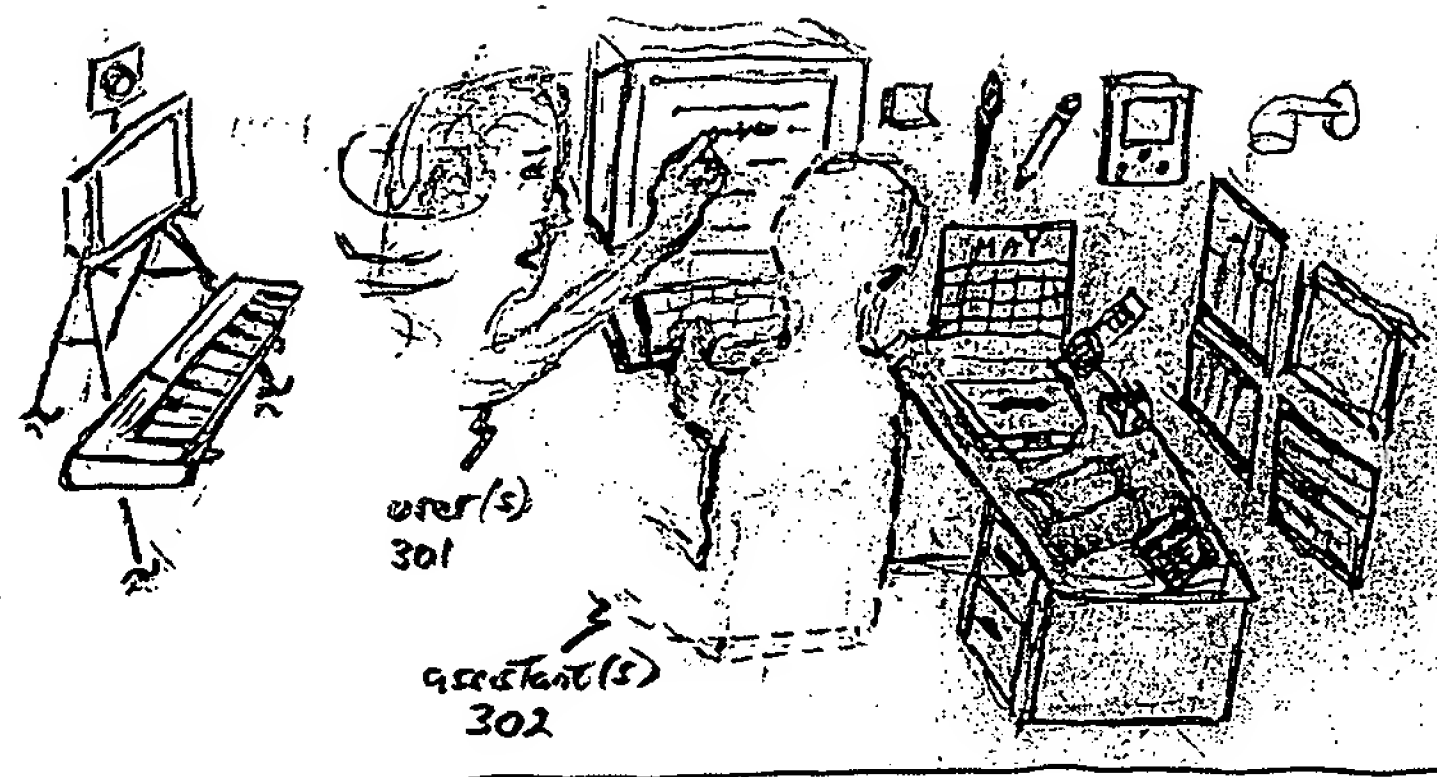
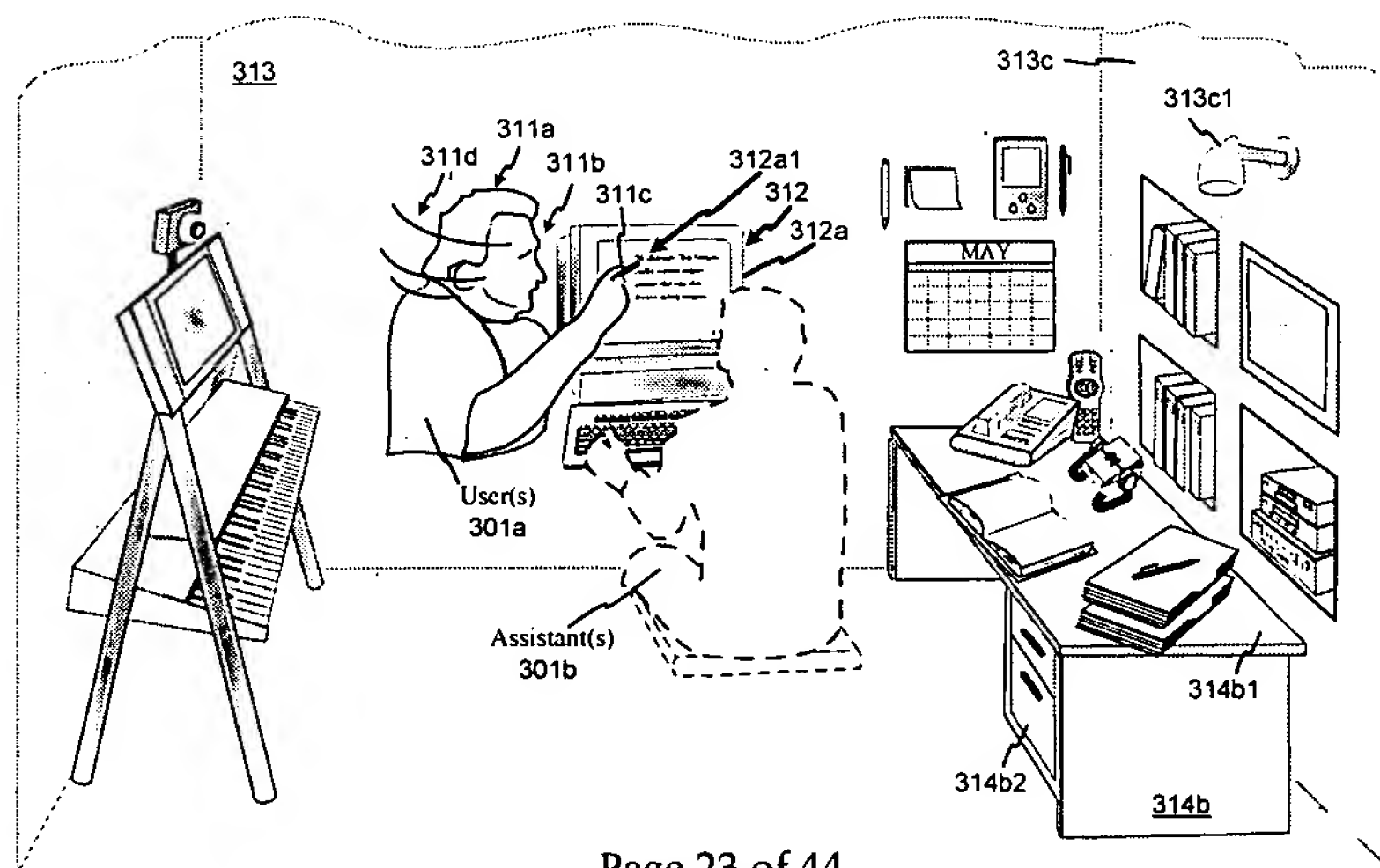


FIG. 3a

Applicant submits, for example, that the ORIGINALLY-FILED FIG. 3a CLEARLY illustrates ALL of the elements that the Examiner objects to as new matter both here and elsewhere in the instant Office Action. Moreover, the below replacement drawing CLEARLY attempts to reproduce the substance of the originally-filed FIG. 3a both generally and as to specific details (adding only any numbering specifically required by the Examiner), and CLEARLY does NOT introduce new matter, as the Examiner asserts. Because, the replacement FIG. 3a was objected to an not entered, the replacement FIG. 3a is taken from Applicant's Response to which the Objection is directed:



Page 23 of 44  
 FIG. 3A

While Applicant admits that some of the elements are moved in a non-substantive manner so that they might be more easily understood, the replacement FIG. 3a provides a substantively faithful element-to-element depiction of even lesser details of the originally-filed FIG. 3a that the Examiner SHOULD HAVE and improperly failed to consider, including the assertedly new matter of the clearly depicted remote control (e.g., at least on the far corner of the desk), television (e.g., at least on the viewer's right side under the light), and the stereo/gaming equipment (e.g., at least on the shelf/cubby hole under the television).

First, despite any lack of artistic prowess on the part of the Applicant, to which Applicant would respectfully apologize, the Examiner's assertion that these replaced (and NOT added) elements "were not shown in this figure" is clearly incorrect. Further, because, as the Examiner admits, the originally filed specification makes multiple specific references to FIG. 3 and describes FIG. 3 (see, for example, the original specification at least at pg 8, line 7 and pg22, beginning at line 14), the Examiner's assertion that such elements are "not... even contemplated in the originally filed specification" is clearly incorrect.

Withdrawal of the objection is therefore respectfully requested for at least the foregoing reasons.

Reference to FIGS. 3a and 13b in the Brief Description

Beginning on the last paragraph of page 8 of the instant Office Action, the Examiner responds to Applicant's argument that the above objection is improper because the



“brief description of these figures and other similar figures directed towards new matter was not objected to”. Specifically, the Examiner notes that such an objection should have been made for the same reasons as in the preceding objection (“if the detailed descriptions were directed towards new matter their associated brief descriptions would also be directed towards new matter”).

Applicant first respectfully submits that the objection is improper for at least the above, preceding reasons relating to FIGS. 3a and 13b, and withdrawal of the rejection is requested.

Applicant further respectfully OBJECTS to the clearly erroneous and piecemeal review of the instant Application by the Examiner, of which the instant rejection is but one of numerous examples (some or all of which are given below). Applicant further OBJECTS particularly but not solely due to the loss of the instant Application by the USPTO, the below-discussed improper restriction of the instant Application and the ongoing piecemeal and clearly erroneous review that have resulted in an especially long prosecution of the instant Application that has deprived Applicant of patent rights that might otherwise have been bestowed. It is hoped and requested that withdrawal of the instant objections and rejections might be expedited for at least these reasons.

Examiner’s added references and generic reference – FIGS. 3a and 13b

Beginning on page 9, first complete paragraph of the Instant Office Action, the Examiner first assertedly responds to Applicant’s Argument against the Examiner’s assignment of labels to aspects of the invention. Specifically, the Examiner assigns the term “entertainment systems” to all elements of FIGS. 3a and 13b to which the Examiner objects as adding new matter.

Applicant respectfully OBJECTS to the Examiner’s assignment of terms at least because: (1) such assignment unnecessarily demands response in order to avoid at least the appearance of acceptance of Applicant to such assignment, which Applicant submits is improper -particularly in conjunction with a new matter objection, and (2) particularly since the elements apparently objected to as adding new matter are instead clearly included in the originally filed

specification/drawings and it is not entirely clear which of the elements are referred to in the Examiner's overly broad citation, the Examiner's assignment of labels improperly fails to specifically identify those elements that the Examiner considers to be new matter.

Continuing on page 9, second complete paragraph of the instant Office Action, the Examiner ADMITS that the originally filed specification DOES provide at least an "example of a *generic* entertainment system" (emphasis is original). The Examiner, however, also exemplifies the impropriety of the above objected-to piecemeal examination and assigning labels by NOW objecting to elements that the Examiner NOW refers to as "(i.e., game, stereo systems, etc.)". The Examiner also continues – now instead referring to the drawings rather than the initially-referenced original specification – that "Since 13b and 3a include these new elements not described in the original specification, these drawings as well as their citations in the specification are directed towards new matter". The Examiner's improper failure to consider the actual ORIGINAL drawings also results in the Examiner finding the elements in the originally-filed drawings as

"not convincing... because there have been significant additions to this figure in the amendment filed on 4/3/2008..." (emphasis added)

and asserting – with NO clear basis and no explanation – that

"applicant even appears to admit that some of these elements are clearly new ("game or gaming machine")"

And therefore concluding that Fig. 13b, 3a, and the citations/mentions thereof are directed towards new matter.

Applicant first respectfully submits that – had the Examiner properly reviewed the ORIGINALLY-FILED FIG. 3a as the Examiner asserted, rather than some other drawings that the Examiner also failed to identify – or had the Examiner contacted Applicant for clarification, the Examiner would have immediately discovered that ORIGINALLY-FILED FIG. 3a CLEARLY does in fact include a gaming system or "game" and stereo system or stereo (as may

have better suited the surrounding language). Specifically, ALL of the ORIGINALLY-filed FIG. 3a, the objected to FIG. 3a and new FIG. 13b CLEARLY depict BOTH of a stereo system (e.g., at least below the television) and gaming system (e.g., at least below the stereo system). Moreover, the specification also explicitly discloses a stereo or stereo system at least at pg28, line 19, which the Examiner should have discovered upon proper examination of the ORIGINALLY-FILED drawings and specification.

Applicant further respectfully disagrees with and OBJECTS to, as improper, the Examiner's basis for objection of the specification as other than the ORIGINALLY-FILED drawings, apparently other than the ORIGINALLY-FILED specification, as well as the quantity of additions to a specification and/or drawing(s) by way of Applicant Amendment. Applicant further respectfully disagrees with and OBJECTS to, as improper, the Examiner's reference to some baseless/unexplained "appear[ance]" of an admission. Applicant submits that no such admission exists or was intended. Still further, Applicant OBJECTS to the Examiner's improper examination appearing in the first paragraph of page 10 of the instant Office Action in which the Examiner asserts the failure to include a particularly important reference to FIG. 13b as a further mere "typographical error". Applicant submits that, assuming the myriad of other Examiner improprieties did not exist that such "error" would have alone resulted in unnecessarily extended prosecution (rather than merely adding to it). Note that the very next objection (relating to FIGS. 15f and 15g, and still further objections, also include similar Examiner "errors".

Withdrawal of the objection is therefore respectfully requested for at least the foregoing reasons as well.

Biometric, movement recognition for user identification – FIG. 15f

Beginning on pg 10, last paragraph, the Examiner objects to the amendment to the specification (and FIG. 15f) as adding new matter. Specifically, the Examiner asserts that

"For Fig. 15f, the description includes biometric, movement recognition for user identification (which relates to image recognition),

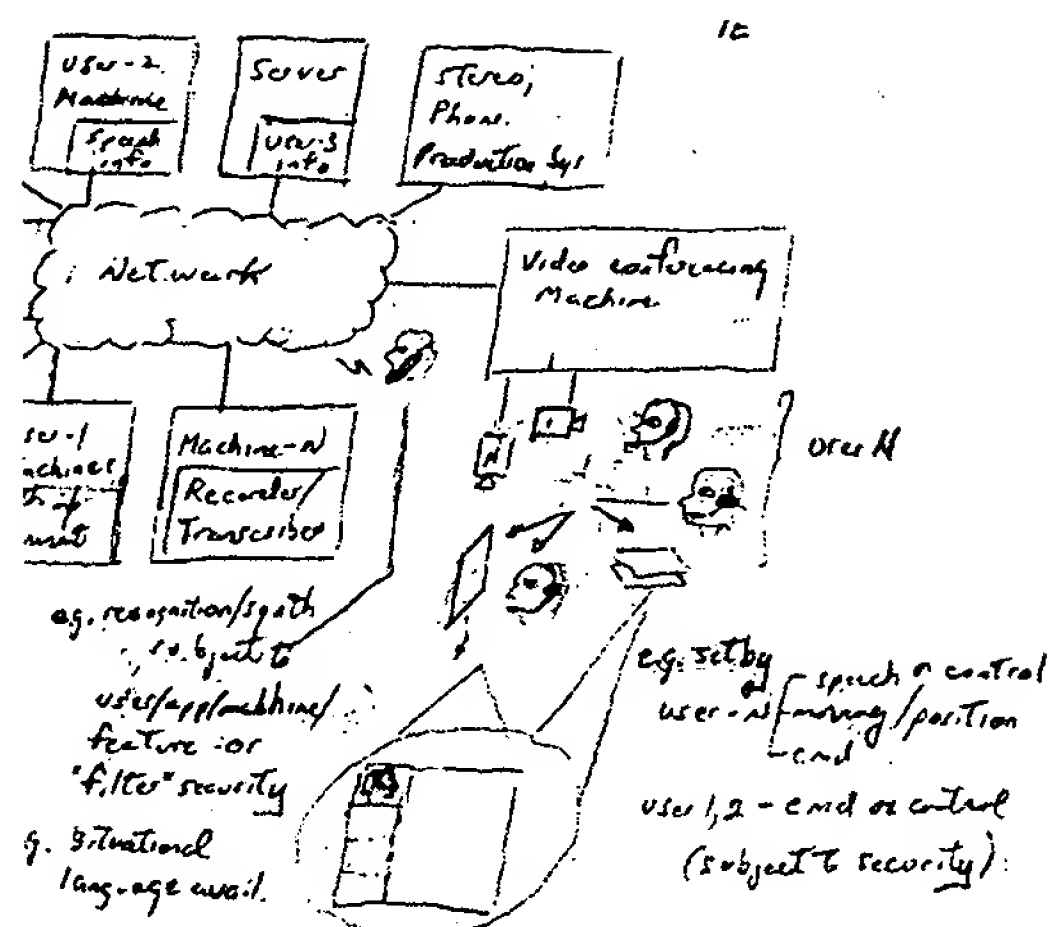
which was not described in the originally filed specification”  
(emphasis is added).

Applicant respectfully disagrees.

Applicant first respectfully submits that the use of biometrics (e.g., for user identification) is discussed in the ORIGINALLY-FILED drawings and specification. For example, specific examples and/or general reference to biometrics and localization are clearly included at least in the below portion of the un-numbered ORIGINALLY-FILED drawings, as well as in ORIGINALLY-FILED FIG. 8c, FIG. 8a, by way of the location engine of ORIGINALLY-FILED FIG. 8b, location/localization/proximity is shown in elements 307 of FIG. 3c, and motion clearly indicated and that may be captured by at least the camera of ORIGINALLY-FILED FIG. 3a using otherwise conventional techniques and utilized according to the teachings of the instant invention:

① ID user ← initially  
(optional) every time  
- MIC ID (eg 2 digits) ← or ID  
- touch ← once ID or entering ID - can analyze or operate on any info 1-2  
- voice print  
- localizer (eg using multiple users to sound energy) ← a voice print or other ID  
- center ← if a path is established locally, with an  
- etc. authentication authority or otherwise  
- answer → when using mic ID, can easily  
verify, later with real ID  
for user if transfer is applicable.

and in at least one other portion of that drawing:



ORIGINALLY-FILED FIG. 5b also discloses voice commands that include “at home”, “at the office” and so on, among other examples. The ORIGINALLY-FILED specification also discloses biometrics (e.g., for user identification and/or other purposes) at least at pages 10, 14, 16, 18, 19, 23, 35, 68 and 70, and discloses gesturing and movement recognition (e.g., for user identification and/or other purposes) at least at pages 6, 12, 13, 14, 16, 17, 18, 21-22, 45, 46, 49, 66 and 78. For example, in discussing speech and non-speech I/O, the ORIGINALLY-FILED specification also separately discloses user identification and gesturing, in one embodiment, by defining speech as merely one type of gesturing that ALSO includes movement:

“gesturing (e.g. speech, movement, event)” at pg13, lines 21-22 of the  
 ORIGINALLY-FILED specification

which, for some reason and despite Applicant protest, the Examiner nevertheless failed to discover. Moreover, the ORIGINAL description of ORIGINALLY-FILED FIG. 3a at pg22, lines 15-17 of the ORIGINALLY –FILED specification discloses that “a user can move about while instructing an “assistant” or using various controllers himself; as desirable, the user can also virtually place one hand on his assistant’s shoulder and point (virtually or actually) by or while reciting a corresponding objective” among other examples.

It is unclear why the Examiner – for some unknown reason and in stark contrast with the ORIGINALLY-FILED Application - attributes only to speech when, for example, the CMD/Data (Input Engine) of ORIGINALLY-FILED FIG. 6a receives BOTH speech and non-speech input and provides the same or similar elements for processing BOTH. If the Examiner takes particular issue with a specific term that might not produce word search results, then (1) it would be improper to simply raise a new matter rejection the use of the particular term, the subject of which might be otherwise inferred, explained or most appropriate in clarifying what is claimed as the invention, and (2) the present and/or prior Examiner have had nearly 10 years to bring this to the attention of Applicant.

The Examiner also asserts – again, with no basis or explanation whatsoever - that “biometric, movement recognition for user identification” necessarily “relates to image recognition”, which is simply NOT true and the detailed operation of which need not be explicitly described in the specification for at least the reasons already submitted. Nevertheless, Applicant submits, for at least the above reasons, that the ORIGINALLY-FILED drawings and specification, that the Examiner apparently did NOT properly review, provide ample support such that the new matter objection of the amendment to the specification (and FIG. 15f) is improper and should be withdrawn. The Examiner’s reference to FIG. 15g is further completely unsupported and FIG. 15g does NOT correspond to the subject matter of the instant new matter objection.

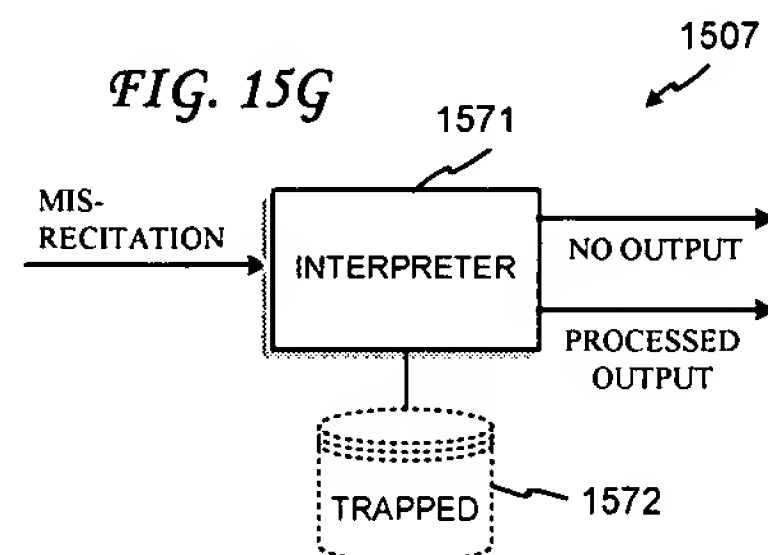
Withdrawal of the objection is therefore respectfully requested for at least the foregoing reasons.

Mis-recitations – FIG. 15g

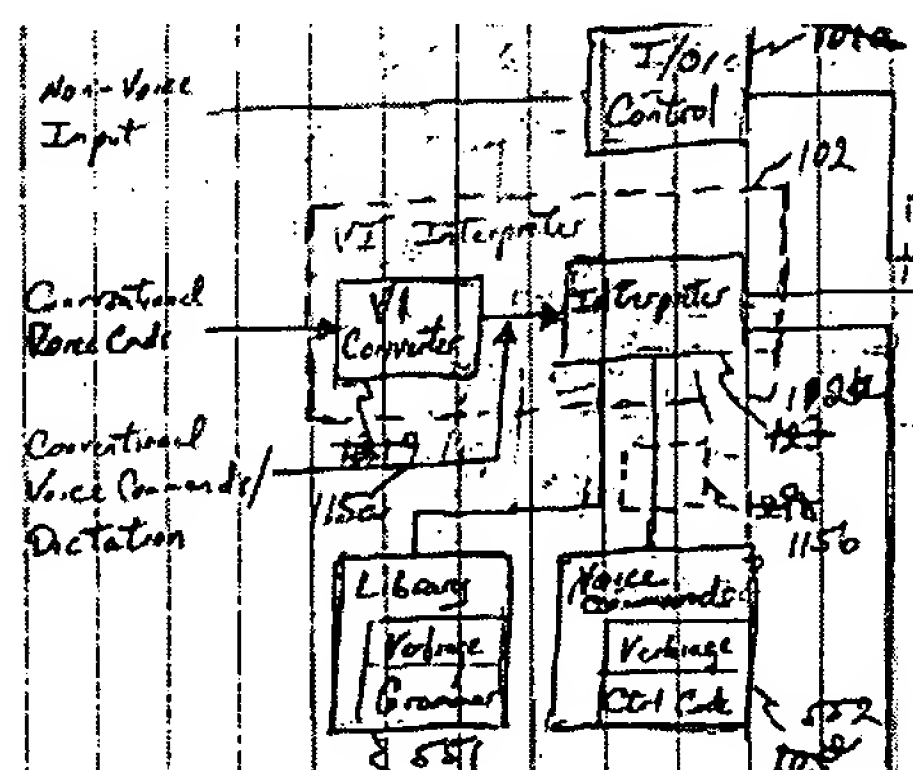
On page 11, last paragraph of the instant Office Action, the Examiner continues with the previous specification objection corresponding to the FIG. 15f (though unrelated) by ADMITTING that the “specification... makes a mention of this function”. The Examiner, however, nevertheless maintains the objection to the figure description (and thus, FIG. 15g itself) by asserting that the “specification only makes a mention of this function in a general fashion”,

while FIG. 15g includes “a specific trapping interpreter and memory”. Applicant respectfully disagrees.

Applicant submits that the disclosure of mis-recitation trapping in the ORIGINALLY-FILED specification is more than replete with discussion of speech and non-speech input, gesturing and so on, as was already discussed, and that it is unclear why the Examiner might apparently conclude that related processing is necessarily unique respecting the FIG. 15g elements. As is clear from the below FIG. 15g,



and that the ORIGINALLY-FILED Application supports more than one interpreter with various interpreters supporting different I/O types, FIG. 15g could reasonably but does NOT disclose “specific trapping interpreter and memory” as the Examiner asserts. Rather, FIG. 15g merely shows a component configuration that is disclosed in ORIGINALLY-FILED FIG. 6b,



which ALSO discloses voice and non-voice input coupled to an interpreter 112b that is further coupled to storage 115b, and for which no output or processed output might be output. Moreover, the ORIGINALLY-FILED specification at pg15, lines 6-7 provides that “output -as with input- might also be modified, re-directed, additionally directed, interpreted, otherwise utilized or some combination” (among other examples), which Applicant submits is more than sufficient to provide a sufficient basis for output alternatives such as that illustrated respecting FIG. 15g. Once again, it merely appears that the Examiner again improperly failed to review the ORIGINALLY-filed drawings and specification.

Withdrawal of the objection is therefore respectfully requested for at least the foregoing reasons.

Gesture – FIG. 3a

On page 12, first paragraph of the instant Office Action, the Examiner essentially raises the same assertion as was raised earlier – that “There was not a device for making such a gesture” and “There nothing discussed regarding the specific... gestures used to control a machine”. Applicant respectfully disagrees

Applicant submits that the ORIGINALLY-FILED specification and ORIGINALLY-FILED drawings that the Examiner apparently did NOT consider are fraught with more than sufficient disclosure for at least the reasons already discussed. Applicant need not comment on the Examiner’s assertion that FIG. 3a merely shows “a user is shown next to another user pointing to a computer and nothing beyond”, since the Examiner apparently



considered some FIG. 3a other than the ORIGINALLY-FILED FIG. 3a to which the Examiner nevertheless asserted to have considered. The Examiner clearly did NOT do so as this would contradict the Examiner's above assertions regarding the absence of the stereo system and gaming system that are CLEARLY illustrated in the ORIGINALLY-FILED FIG. 3a and not in the later-filed FIG. 3a. Moreover, Applicant submits that – while hindered by Applicant's limited artistic talent – ORIGINALLY-FILED FIG. 3a quite CLEARLY shows the movement of user(s) 301, the turning of his head and body and the user looking and pointing. (Note also that, as a practical matter and inherently so in the context of FIG. 3a, the pointing would also appear nearly impossible for most any user without gazing at that which the user is pointing.) The description of FIG. 3a, while perhaps inconsistent with the unknown FIG. 3a to which the Examiner refers, but entirely consistent with the ORIGINALLY-FILED FIG. 3a and Applicant's amendment and argument, "a user can move about while instructing an "assistant" or using various controllers himself; as desirable, the user can also virtually place one hand on his assistant's shoulder and point (virtually or actually) by or while reciting a corresponding objective" (pg 22, lines 15-17), and the ORIGINALLY-FILED specification at pg15, lines 11-12 discloses "a window segment at which a user is currently pointing", among other examples.

Applicant further submits that the Examiner provides no basis other than a wrong drawing and apparent personal opinion that conflicts with a clear review of the ORIGINAL disclosure by one of ordinary skill in the art. Even assuming arguendo that a word search by the Examiner might have failed to produce the specific term, gaze, it would nevertheless be clear that the ORIGINALLY-FILED specification and drawings are nevertheless clearly sufficient, and the question of new matter might otherwise be resolved through consideration of an appropriate term. Nevertheless, the user(s) 301 is clearly depicted in at least FIG. 3a (and the above un-numbered drawing portion) as at least conducting the aforementioned movement in front of the also-depicted cameras in conjunction with the already-discussed voice and/or non-voice interfacing systems and method. The Examiner might find it "unclear how the users body/head positions relate in any way to any type of command" (pg12, last paragraph, emphasis added). The Examiner might also take the position that it is proper to ADMIT to additional

aspects of the ORIGINAL disclosure in a piecemeal manner, for example, after unnecessarily requiring Applicant argument, that

“there does seem to be support for the added pointing device”

(see Action at pg 13, last paragraph). Applicant submits, however, that the piecemeal prosecution afforded by the Examiner is unfair and improper, and the objections should be withdrawn; the requisite basis and Examiner explanation are NOT provided and the Examiner is contradicted by at least the above references to the ORIGINALLY-FILED specification and drawings.

Withdrawal of the rejection is therefore respectfully requested for at least the above reasons.

Mis-recitations specification amendment beginning at Page 27, Line 4– FIG. 15g

On page 14, first paragraph of the instant Action, the Examiner maintains that the above response is again sufficient to sustain a new matter objection. Applicant respectfully disagrees.

Applicant submits that the above amendment merely describes that which is shown in FIG. 15g and is NOT new matter for at least the same reasons as those given above respecting FIG. 15g and reference to FIG. 15g.

Withdrawal of the objection is therefore respectfully requested for at least the foregoing reasons.

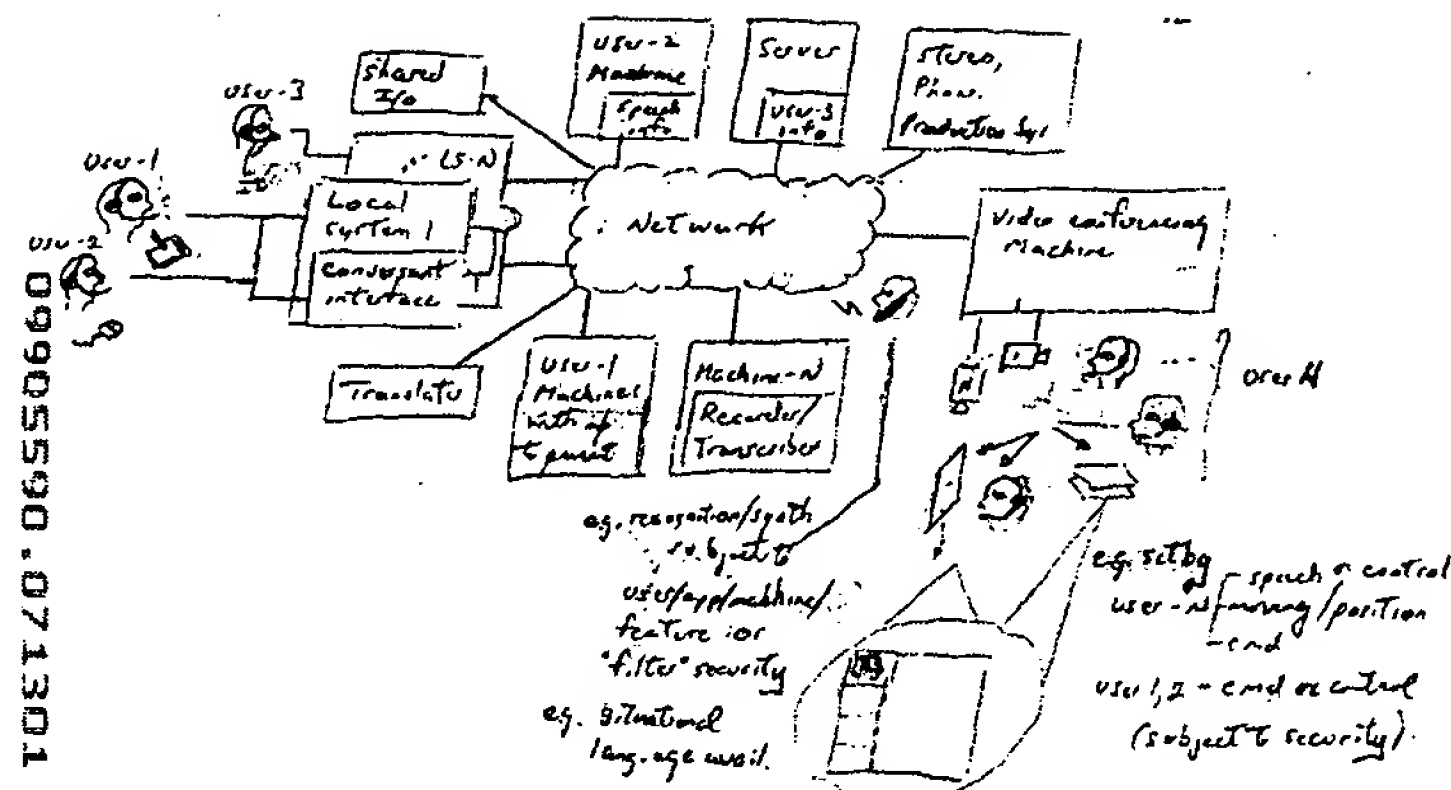
Controlling available machines – FIG. 3a

On page 14, second paragraph of the instant Action, the Examiner clarifies that an earlier objection to the specification amendment beginning at page 30, line 11 is directed at “the specific types of devices controlled under the terminology lesser related intermittent tasks”. Applicant respectfully disagrees.

Applicant first submits that the Examiner appears to merely reiterate the above specification and drawing objections respecting what the Examiner presumed, however

incorrectly, was originally-filed FIG. 3a. That is, the Examiner appears to reiterate that the Examiner did not find (in the apparently wrong drawing) the “light, television, stereo/gaming systems, etc.” that are otherwise clearly depicted in the ORIGINALLY-FILED FIG. 3a. This is even more evident given the further assertion on page 15, last paragraph. Here, the Examiner merely reiterates the mistaken belief derived from an inapplicable drawing that “nowhere in [FIG. 3a] is anything even resembling a gaming system present”. Rather, Applicant again submits that a gaming system is CLEARLY depicted in the proper ORIGINALLY-FILED FIG. 3a that the Examiner failed to consider. Applicant therefore submits that the objection to the above specification portion should be withdrawn for at least the same reasons as given above as corresponding to FIG. 3a.

Applicant further submits that it would be clear to one skilled in the art on reviewing the originally filed disclosure that ANY of the “machines” depicted in FIG. 3a are controllable via embodiments of the instant interfacing system and methods. This is particularly clear in conjunction where aspects of the invention “provide for interfacing one or more users or groups of users with one or more machines or groups of machines in a manner adaptable to conventional and non-conventional control and data entry capabilities” [pg 4, lines 19-21], and in which “Interfacable devices and/or processes or ‘machines’ is very broadly disclosed and “can include set-top boxes, palmtops, personal digital assistants (“PDAs”), personal information managers (“PIMs”), media production/presentation, smart appliances/phones, e-commerce, applets, servlets, add-ins, or objects, among substantially any others” [pg10, line 30 - pg11, line 2]. The ORIGINALLY-FILED specification ALSO discloses that “For example, a machine... might serve one or more than one application... serve applications relating to the kinds of uses for which the program is configured..., as might a smart home controller (e.g. particular home system types/portions, shopping, cooking, and so on), among other examples. [pg41 lines 5-9]. Further, while unnecessary to such understanding of one skilled in the art, the ORIGINALLY-FILED drawings also provide examples of control of machines objected to by the Examiner in FIG. 3a, such as the above-discussed un-numbered drawing, which includes control by one or more users using one or more of the depicted speech, touch pen, a mouse (left), moving/position (right), speech (various), and so on:



Contrary to the Examiner's further assertion on page 16, first paragraph, the ORIGINALLY-FILED specification and drawings clearly DO provide device control that exceeds the general device control and even provides some examples in the form of a computer" and it is clearly NOT true that "the originally filed specification in no way encompasses the additional components added by the applicant in the amendment from 4/3/2008", as illustrated by at least the above examples.

It should also be noted that, contrary to the Examiner's assertions and objections, ones of the depicted varied forms of gesturing may in fact be conducted by the depicted users 1-H via the depicted local/remote machines. Moreover, also contrary to the Examiner's assertion and objection is that proper consideration of an amendment also includes consideration of the surrounding disclosure, which Applicant attempted to simplify for the Examiner's benefit as follows. The objected to amendment is underlined.

"Tasks can... be viewed as including one or more of an "ongoing sequence" (largely uninterrupted) of similar ongoing tasks" as well as "intermittent tasks (that temporarily interrupt, supplement or link a flow of similar/dissimilar tasks...." or "new tasks" (30/5-8). Following

‘simple ongoing tasks’ and ‘Related ongoing tasks’ examples  
“Consistent with the OEVI and emailing”, the subject amended  
paragraph continues that “ ‘Related intermittent tasks’ might include...  
email... responding by fax or phone; scheduling; alerting...; taking  
notes; distributing information, etc. ‘Lesser-related intermittent tasks’  
or ‘new-application’ tasks might include reviewing/modifying a  
flowchart, program code, a presentation, or other information therein.  
Lesser related intermittent tasks may also include, for example,  
temporarily interrupting using computer 312 of FIG. 3a to control light  
313c1, a television, stereo/gaming equipment, and so on”.

Finally, regarding the Examiner’s assertion that “because not every computer system would include the very specific components which the applicant has added in their amendment”, the majority of the ORIGINALLY-FILED specification and drawings, including the above-mentioned portions of the original disclosure CLEARLY departs from the premise that all machines must be included in a single computer or single computer program. This again simply tends to reinforce that the Examiner clearly failed entirely to consider the originally-filed specification and/or drawings.

Withdrawal of the objection is therefore respectfully requested for at least the foregoing reasons.

Amendments to Specification - Mention of FIGS. 3A, 13B

On page 16, last paragraph of the instant Office Action, the Examiner objects to the amendment to the specification starting at page 32, line 29. Here, the Examiner essentially reiterates that FIG. 3a is objected to as containing new matter, and therefore, the amendment adding See, for example, FIGS. 12g and 13a-b.” is also objected to for referring to FIG. 13b. The Examiner also similarly objects to the amendment to the specification at page 58, line 5,

which references “See, for example, FIGS. 3a-c, 10b, 12a, 13b-c and 14.” Applicant respectfully disagrees.

Applicant submits that FIGS. 3a and 13b do NOT contain new matter for at least the reasons submitted above corresponding to FIGS. 3a and 13b. Applicant therefore also respectfully submits that the amendment adding a reference to FIG. 3a and/or 13b does NOT contain new matter for at least the same reasons and the amendments to the specification does NOT contain new matter.

Withdrawal of the objection is therefore respectfully requested for at least the foregoing reasons.

Amendment to Specification - Command Input Resolver

On page 20, first paragraph of the instant Office Action, the Examiner objects to the amendment to the specification beginning at page 65, line 22. The Examiner more specifically ADMITS that a command input resolver “would inherently resolve input commands”, but objects to the portion of the amendment that does so “according to ‘root base, designation, extension’ etc”. The Examiner further ADMITS that the specification sections relied upon by Applicant (see “Amendment, Pages 49-51”) DO “describe... command/dictation or partial command/dictation resolution processes” but asserts that they do so only generally and do not disclose a connection “between this component relying on the aforementioned considerations to resolve a user input. Applicant respectfully disagrees.

Applicant re-submits the Arguments raised in the earlier Applicant Response. Moreover, Applicant submits that the command input resolver comprises part of designation engine 515 according to the embodiment of the ORIGINALLY-FILED FIG. 7d, and that the designation engine is included in the I/O analyzer according to the ORIGINALLY-FILED FIG. 6a. Thus, because I/O analyzer “includes command construction elements for forming commands in accordance with the conversant” according to the embodiment of the ORIGINALLY-FILED specification at pg47, lines 24-25, the “I/O analyzer 402 also provides for determining contexts and tasks/goals according to the embodiment of the ORIGINALLY-FILED specification at pg43, line 19, which necessarily includes the objected to “root base,

designation, extension”, and because the Examiner ADMITS that the command input resolver resolves input commands, the command input resolver MUST do so according to root base, designation and extension, according to such embodiment.

Withdrawal of the objection is therefore respectfully requested for at least the foregoing reasons.

Amendment to Specification – Machine Switcher

Beginning on page 20, last paragraph of the instant Office Action, the Examiner further objects to the amendment to the specification starting at page 32, line 29. Here, the Examiner ADMITS that the “machine switcher would inherently perform machine switching”, but objects to the portion of the amendment stating that the “conducting coupling, information directing, machine linking, cueing, muting, and so on, as is discussed elsewhere herein” are not explicitly stated in the originally filed specification as being conducted by the machine switcher. The Examiner further asserts that “operations such as cueing, muting, etc. “would even be relating to machine switching”. Applicant respectfully disagrees.

Applicant submits and the Examiner at least implicitly admits that such operations are disclosed by the originally filed specification (e.g., by NOT objecting to the “as discussed elsewhere herein”. Moreover, by their very nature, such operations are clearly related to machine switching. Coupling, information directing and machine linking are further apparently objected to by the Examiner. However, those skilled in the applicable arts would understand that the Examiner is incorrect in not attributing cueing and muting to machine switching as well. Cueing, for example, is more generally applicable to the movie and television industry in which the receiving of signals from various cameras is switched using a large switching board. Muting is also generally controlled in much the same way, or further, for switching on and off various audio sources in the above as well as the music industry. As is clear from the description in the originally filed application referenced by Applicant, Applicant has inventively utilized and extended such functionality as might be applicable to the instant Interface system and methods. The Examiner’s assertions as to relatedness and inherent functionality are therefore clearly incorrect.

Withdrawal of the objection is therefore respectfully requested for at least the foregoing reasons.

Amendment to Specification – Choice/Error Feedback Engine

Beginning on page 21, last paragraph of the instant Office Action, the Examiner further objects to the amendment to the specification starting at page 32, line 29. Here, the Examiner ADMITS that the “cited portions generally discuss providing a user with information and with expected responses”, but objects to the portion of the amendment stating that “they in no way connect determining, generating, or directing, user/machine feedback to a specific component known as the ‘choice/error feedback engine’ ”. Applicant respectfully disagrees.

Applicant submits that the “choice/error feedback engine” inherently provides for choice/error feedback. Thus, such engine must necessarily inherently operate for determining, generating or directing the feedback that it provides and the feedback that it provides is necessarily inherently provided respecting a user/machine, which comprise substantially all of the “components” of the ORIGINALLY-FILED FIG. 1 and the only ultimate sources/destinations in that figure. Therefore, the Examiner must necessarily be in error. Moreover, the choice/error feedback engine (now element 647 of FIG. 7e) is the feedback component of the enhancement engine (now element 516 of FIG. 7e), which is coupled to the CMD/data (input) engine of now FIG. 6a, and which provides at least a portion of the also depicted feedback (e.g., responsive to the also depicted speech and non-speech input of now FIG. 6a. The choice/input feedback engine there also CLEARLY provides for operating as is improperly objected to above amendment portion.

Withdrawal of the rejection is therefore respectfully requested for at least the foregoing reasons.

- 2. The Examiner fails to establish that the amendments to the specification include matter or that the amendments are otherwise objectionable, such that the objections should be withdrawn.**



Beginning on page 22 of the instant Office Action, the Examiner objects to the drawings for substantially the same reasons as submitted above with respect to the specification and corresponding drawings.

Applicant respectfully submits that the drawings are NOT objectionable and do not include new matter for at least the above-submitted reasons that the specification is not objectionable and does not include new matter.

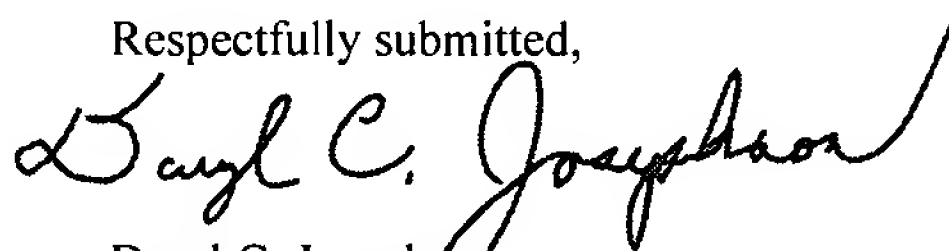
Withdrawal of the objections is therefore respectfully requested for at least the foregoing reasons.

### **3. CONCLUSION**

Applicants respectfully submit that the Examiner committed error in the Preceding-Action and, in the instant Action, improperly corrected such error, admonished Applicants regarding the same and issued a nonFinal Action.

Applicants also submit that the Examiner fails to establish that either the amendments to the specification or the drawings are objectionable for containing new matter and Applicant submits that they do not. Withdrawal of the objections is therefore respectfully requested.

Respectfully submitted,



Daryl C. Josephson  
Reg. No. 37,365

Daryl C. Josephson, Esq.  
54 Chilton Avenue  
San Carlos, CA 94070  
(650) 631-4232  
(650) 888-3737

Josephson, Daryl Craig  
Appl. No. 09/905,590  
Appeal Brief Page 42

PATENT  
Attorney Docket No. 000001US

## **9. CLAIMS APPENDIX**

### **CLAIMS APPENDIX:**

Hopkins, Christopher D.  
Appl. No. 10/287,177  
Appeal Brief Page 43

PATENT  
Attorney Docket No. 021735-00610US

**10. EVIDENCE APPENDIX**

None

Choi et al.  
Appl. No. 10/287,177  
Page 44

PATENT  
Attorney Docket No. 021735-00610

**11. RELATED PROCEEDINGS APPENDIX**

None